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Attorney Docket No.: 19374-501

Mail Label No. EV 392154410 US of eposit: March 18, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Farmer, et al.

SERIAL NUMBER:

09/509,159

EXAMINER: Not Yet Assigned

INT'L APPL.

April 10, 1998

ART UNIT:

Not Yet Assigned

FILING DATE: FOR:

TOPICAL USE OF PROBIOTIC BACILLUS SPORES TO PREVENT OR

CONTROL MICROBIAL INFECTIONS

Mail Stop IDS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

- 1. Information Disclosure Statement (2 pages), in duplicate;
- 2. Modified Form 1449/PTO (2 pages), in duplicate;
- 3. Copies of Cited References: A1-8; B1-2; C1-12; and
- Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 19374-501. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529

Ingrid A. Beattie, Reg. No. 42,306

Attorneys for Applicants

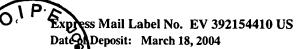
MINTZ, LEVIN, COHN, FERRIS,

GLOVSKY and POPEO, P.C. Tel: (617) 542-6000

Fax: (617) 542-2241 Customer No. 30623

Date: March 18, 2004

TRA 1893539v1



Attorney Docket No.: 19374-501

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INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant hereby makes of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed required.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS:

Farmer, et al.

U.S.S.N.:

09/509,159

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 19374-501.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529

Ingrid A. Beattie, Reg. No. 42,306

Attorneys for Applicants

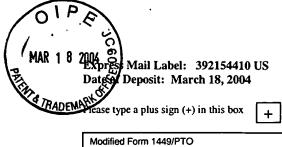
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY and POPEO, P.C.

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Date: March 18, 2004

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Attorney Docket No.: 19374-501

Modified Form 1449/PTO					Application Number	09/509,159					
						Filing Date	April 10	, 1998			
	INFO	RMATI	ON DISCI	OSURE		First Named Inventor	Farmer				
	STA	TEMEN	T BY APP	LICANT		Group Art Unit	Not Yet	Assign	ed		
						Examiner Name	Not Yet	Assign	ed		-
	(use	as many	sheets as ne	cessary)		Attorney Docket Number	19374-5	501	•		
					U.	S. PATENT DOCUMENTS					
Exam Initials	Cite No.		Patent ment No.	Issue Date	Na	me of Patentee(s) or Applicant(s)	Class	Sub Class		iling Da	
_	A1	4,110	0,477	08/29/78	N	aruse, et al.	426	46			
	A2	4,87	1,539	10/03/89	н	nta, et al.	424	93			
	А3	5,000	0,939	03/19/91	D	ing, et al.	424	48			
	A4	5,04	5,314	09/03/91	В	one, et al.	424	93			-
	A5	5,176	5,911	01/05/93	To	si, et al.	424	83 J			
	A6	5,344	4,647	09/06/94	R	ossall	424	93.46	52		
	A7	5,43	1,924	07/11/95	G	nosh, et al.	424	522			
	A8	5,455	5,028	10/03/95	0	Donnell	424	93.4	6		
						SHED APPLICATION DOCUMENTS					
Exam Initials	Cite No.		Published cation No.	Published Date	i N	ame of Patentee(s) or Applicant(s)	Class	Sub Class		Filing Date If Appropriate	
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					FOR	EIGN PATENT DOCUMENTS					
Exam Initials	Cite No.	Foreig Office	n Patent Do Number	cument	Name	of Patentee(s) or Applicant(s)	Date of Publicati	on		ranslati 'es N	on No
	B1	wo	93/14187	7		SIGLIO NAZIONALE DELLE RCHE	07/22/9:	3	Yes		
	B2	JP	63-96107	7	SHIS	EIDO CO. LTD.	04/27/88	В	Absti only	ract	

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	DATABASE MEDLINE, Moldenhauer, et al., Abstract only , Database accession no. NLM7489197, September 1995.
	C2	DATABASE WPI, Abstract only , Section Ch, Week 199309, Derwent Publications Ltd., London, GB, Class B04, AN 1993-073946.
	C3	DATABASE WPI, Abstract only , Section Ch, Week 199734, Derwent Publications Ltd., London, GB, Class B04, AN 1997-367033.
	C4	DATABASE WPI, Abstract only , Section Ch, Week 199637, Derwent Publications Ltd., London, GB, Class C05, AN 1996-368043.
	C5	Gorbach, S.L., Ann. Med., 22(1):37-41 (1990).
	C6	Klaenhammer, T.R., FEMS Microbiol. Rev., 12(1-3):39-85 (1993).
	C7	Reid, et al., Clin. Microbiol. Rev., 3(4):335-344 (1990).
	C8	Schoeni, et al., Applied Environ. Microbiol., 60(4):1191-1197 (1994).

Express Mail Label: 392154410 US Date of Deposit: March 18, 2004 Page 2 of 2 Attorney Docket No.: 19374-501

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.	
	C9	Siegel, et al., J. Econ. Entomol., 83(2):347-355 (1990).	
	C10	Sytnik, S.I., Mikrobiologicheskii Zhurnal, 51(1):82-87 (1989).	
	C11	International Search Report for PCT/US98/07307, date of mailing: August 31, 1998.	
	C12	Partial European Search Report for EP 98 91 8115, date of mailing: January 21, 2003.	

A copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. ______, filed ______, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

TRA 1893248v1